

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5455 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

P C GANDHI

Versus

STATE OF GUJARAT

Appearance:

MR IS SUPEHIA for Petitioner
MR SAMIR DAVE AGP for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/11/2000

ORAL JUDGEMENT

#. Having heard the learned counsel for the parties, perusing the special civil application as well as Government Resolution and the decision of the Apex Court in the case reported in 2000 AIR SCW 2678, I am satisfied that it is a case where the petitioner deserves to be

awarded interest on the amount of gratuity for its delayed payment made by the respondents.

#. The petitioner retired on attaining age of superannuation on 30.11.95. It is true that departmental inquiry has been initiated against the petitioner by chargesheet dated 30.11.95, i.e. on the date of retirement and in pursuance of the Rule 189A of Bombay Civil Service Rules, the payment of amount of gratuity would have been withheld but it is a fact that during the pendency of the inquiry aforesaid, the petitioner has been paid the amount of gratuity on different dates in part and the full payment has been made thereof by now. The inquiry which was initiated against the petitioner has also been ultimately dropped by respondents vide order dated 11.1.2000. So the case of the petitioner is squarely covered by Resolution dated 8th December, 1994. I fail to see any justification in the letters dated 24.3.2000 and 15.4.2000 of the respondents declining thereunder the interest on the delayed payment of amount of gratuity to the petitioner. The learned counsel for the petitioner submits that the petitioner is satisfied if the interest is awarded by the court on the delayed payment of gratuity @ 12% p.a. from the due date till the date of payment. In the result, this special civil application succeeds and the same is allowed and the letters dated 24.3.2000 and 15.4.2000 are quashed and set aside and the respondents are directed to pay the interest to the petitioner on the delayed payment of gratuity amount from the due date till the date of payment thereof. Determination and calculation of the amount of interest to be paid to the petitioner be made within a period of one month from the date of receipt of Writ of this order and the amount of interest found payable to the petitioner be paid to him within fifteen days next. Rule is made absolute accordingly with no order as to costs.

.....

(sunil)